

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. CV 15-9071-BRO (KS) Date: March 14, 2016

Title *Dena Marks v. California Institute for Women*

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Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Roxanne Horan-Walker

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL**

On November 20, 2015, plaintiff, a California state prisoner proceedings *pro se* and *in forma pauperis*, filed a civil rights complaint pursuant to 42 U.S.C § 1983 (“Complaint”). (Dkt. No. 1.) On November 24, 2015, the Court directed the United States Marshal to serve the Complaint and ordered plaintiff to file, no later than December 25, 2016, copies of the USM-285 forms that she submitted to the U.S. Marshal. (Dkt. No. 6.) On December 18, 2015, plaintiff filed a motion for an extension of time to file the copies of the USM-285 forms, which the Court granted. (Dkt. Nos. 9, 10.) The Court ordered plaintiff to file the copies of the USM-285 forms no later than February 24, 2016. (Dkt. No. 10.)

Eighteen days have now passed since plaintiff’s deadline for filing copies of the USM-285 forms, and she has not filed the USM-285 forms with the Court. Accordingly, the Court may now recommend dismissal of the action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, which states that a civil action is subject to involuntary dismissal if a plaintiff “fails to prosecute or to comply with these rules or a court order.”

However, in the interests of justice, plaintiff is **ORDERED TO SHOW CAUSE on or before April 14, 2016**, why the Court should not recommend that this action be dismissed for failure to prosecute and comply with court orders. If plaintiff wishes to proceed with this action, she may discharge this Order by filing: (1) a declaration signed under penalty of perjury that establishes good cause for plaintiff’s failure to comply with the Court’s orders; and (2) copies of the USM-285 forms that were provided to the United States Marshal Service. Alternatively, if plaintiff does not wish to pursue this action, she may file a document entitled “Notice Of Dismissal” pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

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Plaintiff is further advised that her deadline for effecting service in this case is fast approaching. (*See* Dkt. No. 5 (“Plaintiff is expressly advised that the Summons and Complaint must be served upon defendants within 120 days of the date of this order.”)). If plaintiff fails to effect service on or before March 24, 2016 and fails to demonstrate good cause for her failure, the matter will be dismissed. *See* FED. R. CIV. P. 4(m); *see also* *Hamilton v. Endell*, 981 F.2d 1062, 1065 (9th Cir. 1992) (the “good cause” exception to Rule 4(m) applies “only in limited circumstances” and is not satisfied by “inadvertent error or ignorance of the governing rules.”); *Townsel v. County of Contra Costa*, 820 F.2d 319, 320 (9th Cir. 1987) (plaintiff’s ignorance of Rule 4 is not good cause).

**Plaintiff is advised that the failure to timely comply with this order may result in the dismissal of her case pursuant to Fed. R. Civ. P. 41(b) and Local Rule 41-1.**

**IT IS SO ORDERED.**

**Initials of Preparer**

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